

**Executive Summary – Enforcement Matter – Case No. 50348**

**ALTOGA WATER SUPPLY CORPORATION**

**RN101436152**

**Docket No. 2015-0527-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

**Media:**

PWS

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

Altoga WSC, 4365 Farm-to-Market Road 75 near Princeton, Collin County

**Type of Operation:**

Public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

**Texas Register Publication Date:** July 3, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$1,205

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$1,205

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - N/A

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

**Executive Summary – Enforcement Matter – Case No. 50348**  
**ALTOGA WATER SUPPLY CORPORATION**  
**RN101436152**  
**Docket No. 2015-0527-PWS-E**

***Investigation Information***

**Complaint Date(s):** January 6, 2015 through January 7, 2015

**Complaint Information:** Alleged that the water was dirty, there was a strong chlorine smell, and periodically it smelled of sewage. Alleged that there were parasites in the drinking water and provided sample analysis results as documentation.

**Date(s) of Investigation:** January 6, 2015 and January 7, 2015

**Date(s) of NOE(s):** February 24, 2015

***Violation Information***

1. Failed to maintain a minimum disinfectant residual of 0.2 milligrams per liter ("mg/L") free chlorine in the water entering the distribution system and throughout the distribution system at all times [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(2) and (b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

2. Failed to complete a Customer Service Inspection ("CSI") certificate prior to providing continuous service to new construction or any existing service when the water purveyor has reason to believe that cross connections or other potential contamination hazards exist [30 TEX. ADMIN. CODE § 290.46(j)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures:

a. On January 7, 2015, free chlorine measured in the water entering the distribution system was a minimum of 0.2 mg/L; and

b. By May 5, 2015, the Respondent submitted copies of CSI certificates for the following active service connections:

- |                          |                           |
|--------------------------|---------------------------|
| (1) 4383 County Road 463 | (9) 714 High Point Drive  |
| (2) 787 High Point Drive | (10) 7916 County Road 466 |
| (3) 8004 County Road 466 | (11) 4320 County Road 463 |
| (4) 755 High Point Drive | (12) 707 High Point Drive |
| (5) 8010 County Road 466 | (13) 4390 County Road 463 |
| (6) 4337 County Road 463 | (14) 750 High Point Drive |
| (7) 4233 County Road 463 | (15) 4255 County Road 463 |
| (8) 4464 County Road 463 |                           |

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**Technical Requirements:**

The Order will require the Respondent to:

- a. Immediately, begin maintaining a minimum disinfectant residual of 0.2 mg/L free chlorine throughout the distribution system at all times;
- b. Within 15 days, submit written certification to demonstrate compliance with a.;
- c. Within 30 days, update the Facility's operational guidance and conduct employee training to ensure that a disinfectant residual concentration of at least 0.2 mg/L free chlorine is maintained in the water entering the distribution system and throughout the distribution system at all times. This provision will be satisfied upon six months of compliant weekly monitoring and reporting; and
- d. Within 225 days, submit written certification to demonstrate compliance with c.

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Jim Fisher, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2537; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** N/A

**Respondent:** Robert Lockhart, President, ALTOGA WATER SUPPLY CORPORATION, P.O. Box 547, Princeton, Texas 75407

**Respondent's Attorney:** N/A



<b>DATES</b>	Assigned	23-Feb-2015	Screening	7-Apr-2015	EPA Due	
	PCW	8-Apr-2015				

RESPONDENT/FACILITY INFORMATION			
<b>Respondent</b>	ALTOGA WATER SUPPLY CORPORATION		
<b>Reg. Ent. Ref. No.</b>	RN101436152		
<b>Facility/Site Region</b>	4-Dallas/Fort Worth	<b>Major/Minor Source</b>	Minor

CASE INFORMATION			
<b>Enf./Case ID No.</b>	50348	<b>No. of Violations</b>	2
<b>Docket No.</b>	2015-0527-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Jim Fisher
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>		\$50	<b>Maximum</b>
			\$1,000

Penalty Calculation Section							
<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>		<b>Subtotal 1</b>	\$800				
<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>							
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.							
<b>Compliance History</b>		60.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>				
			\$480				
Notes	Enhancement for three agreed orders containing a denial of liability.						
<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>				
			\$0				
Notes	The Respondent does not meet the culpability criteria.						
<b>Good Faith Effort to Comply Total Adjustments</b>		<b>Subtotal 5</b>	-\$75				
<b>Economic Benefit</b>		0.0% Enhancement*	<b>Subtotal 6</b>				
<table border="1" style="width: 100%; border-collapse: collapse; font-size: x-small;"> <tr> <td style="width: 50%;">Total EB Amounts</td> <td style="width: 50%; text-align: right;">\$138</td> </tr> <tr> <td>Estimated Cost of Compliance</td> <td style="text-align: right;">\$1,700</td> </tr> </table>		Total EB Amounts	\$138	Estimated Cost of Compliance	\$1,700	*Capped at the Total EB \$ Amount	
Total EB Amounts	\$138						
Estimated Cost of Compliance	\$1,700						
<b>SUM OF SUBTOTALS 1-7</b>		<b>Final Subtotal</b>	\$1,205				
<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>		0.0%	<b>Adjustment</b>				
			\$0				
Reduces or enhances the Final Subtotal by the indicated percentage.							
Notes							
			<b>Final Penalty Amount</b>				
			\$1,205				
<b>STATUTORY LIMIT ADJUSTMENT</b>		<b>Final Assessed Penalty</b>	\$1,205				
<b>DEFERRAL</b>		0.0%	<b>Adjustment</b>				
		Reduction	\$0				
Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)							
Notes	No deferral is recommended for Findings Orders.						
<b>PAYABLE PENALTY</b>			<b>\$1,205</b>				

Screening Date 7-Apr-2015

Docket No. 2015-0527-PWS-E

PCW

Respondent ALTOGA WATER SUPPLY CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 50348

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101436152

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 60%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for three agreed orders containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 60%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 60%

Screening Date 7-Apr-2015

Docket No. 2015-0527-PWS-E

PCW

Respondent ALTOGA WATER SUPPLY CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 50348

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101436152

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.46(d)(2)(A) and 290.110(b)(2) and (b)(4) and Tex. Health & Safety Code § 341.0315(c)

## Violation Description

Failed to maintain a minimum disinfectant residual of 0.2 milligrams per liter ("mg/L") free chlorine in the water entering the distribution system and throughout the distribution system at all times. Specifically, it was documented that on January 6, 2015, the water entering the distribution system had free chlorine residuals of 0.05 mg/L at 4365 Farm-to-Market Road 75 and 0.10 mg/L at 7001 County Road 1218. Additionally, the following free chlorine residuals were measured in the distribution system: 0.13 mg/L at Farm-to-Market Road 1827 and County Road 988, 0.04 mg/L at the flush valve on County Road 463 and 0.03 mg/L at Stiff Point Circle. On January 7, 2015, it was documented that free chlorine residuals within the distribution system were 0.03 mg/L at Farm-to-Market Road 1827 and County Road 988, 0.02 mg/L at the flush valve on County Road 463 and 0.03 mg/L at Stiff Point Circle.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

## &gt;&gt; Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to maintain proper levels of disinfection could result in the delivery of a significant amount of contaminated water to customers of the Facility which would not exceed levels protective of human health.

Adjustment \$950

\$50

## Violation Events

Number of Violation Events 1

2 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

One single event is recommended.

## Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$50

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$104

Violation Final Penalty Total \$80

This violation Final Assessed Penalty (adjusted for limits) \$80

## Economic Benefit Worksheet

**Respondent** ALTOGA WATER SUPPLY CORPORATION  
**Case ID No.** 50348  
**Reg. Ent. Reference No.** RN101436152  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	6-Jan-2015	31-Oct-2015	0.82	\$4	n/a	\$4

Notes for DELAYED costs

The delayed cost includes the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that a disinfectant residual concentration of at least 0.2 mg/L free chlorine is maintained in the water entering the distribution system and within the distribution system at all times, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

#### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	6-Jan-2015	7-Jan-2015	0.00	\$0	\$100	\$100
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount for additional oversight and maintenance to ensure an adequate chlorine residual in the water entering the distribution system and throughout the distribution system (\$100 per day), calculated for the 24-hour period the low disinfectant residuals were documented.

Approx. Cost of Compliance

\$200

**TOTAL**

\$104



Screening Date 7-Apr-2015

Docket No. 2015-0527-PWS-E

PCW

Respondent ALTOGA WATER SUPPLY CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 50348

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101436152

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.46(j)

Violation Description

Failed to complete a customer service inspection ("CSI") certificate prior to providing continuous service to new construction or any existing service when the water purveyor has reason to believe that cross connections or other potential contamination hazards exist. Specifically, the Respondent did not complete CSI certificates for 15 service connections listed in Attachment 1.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification			
	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$950

\$50

## Violation Events

Number of Violation Events 15

91 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$750

Fifteen single events are recommended (one event for each connection without a completed CSI).

## Good Faith Efforts to Comply

10.0%

Reduction \$75

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes The Respondent returned to compliance by May 5, 2015.

Violation Subtotal \$675

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$34

Violation Final Penalty Total \$1,125

This violation Final Assessed Penalty (adjusted for limits) \$1,125

# Economic Benefit Worksheet

Respondent ALTOGA WATER SUPPLY CORPORATION  
 Case ID No. 50348  
 Reg. Ent. Reference No. RN101436152  
 Media Public Water Supply  
 Violation No. 2

Percent Interest 5.0  
 Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount  
 Item Description No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,500	6-Jan-2015	5-May-2015	0.33	\$2	\$33	\$34
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

### Notes for DELAYED costs

The delayed costs include the estimated amount to complete 15 CSI certificates (\$100 per CSI certificate x 15 certificates), calculated from the date of the investigation to the date the 15 CSI certificates were completed.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

### Notes for AVOIDED costs

Approx. Cost of Compliance \$1,500 TOTAL \$34



## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN600653646, RN101436152, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

**Customer, Respondent, or Owner/Operator:** CN600653646, ALTOGA WATER SUPPLY CORPORATION **Classification:** NOT APPLICABLE **Rating:** N/A

**Regulated Entity:** RN101436152, ALTOGA WSC **Classification:** NOT APPLICABLE **Rating:** N/A

**Complexity Points:** N/A **Repeat Violator:** N/A

**CH Group:** 14 - OTHER

**Location:** 4365 FARM-TO-MARKET ROAD 75 NEAR PRINCETON, COLLIN COUNTY, TEXAS

**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):** **PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 0430026 **WATER LICENSING** LICENSE

**Compliance History Period:** September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

**Date Compliance History Report Prepared:** April 07, 2015

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** April 07, 2010 to April 07, 2015

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Jim Fisher **Phone:** (512) 239-2537

### Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

### Components (Multimedia) for the Site Are Listed in Sections A - J

#### **A. Final Orders, court judgments, and consent decrees:**

- 1 Effective Date: 09/30/2012 ADMINORDER 2012-0570-PWS-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.110(b)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 mg/L free chlorine as per agency regulations.
- 2 Effective Date: 03/21/2013 ADMINORDER 2012-1904-PWS-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.110(b)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Failure to maintain a free chlorine residual of at least 0.2 milligrams per liter (mg/L) throughout the distribution system.  
EIC B19c(6) MOD(2)(G)

3      Effective Date: 08/08/2013      ADMINORDER 2013-0569-PWS-E (1660 Order-Agreed Order With Denial)  
Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(q)(1)  
30 TAC Chapter 290, SubChapter D 290.46(q)(2)  
Description: Failure to issue a boil water notice.  
EIC A12d(4)

**B. Criminal convictions:** N/A

**C. Chronic excessive emissions events:** N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):** N/A

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):** N/A

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

**F. Environmental audits:** N/A

**G. Type of environmental management systems (EMSs):** N/A

**H. Voluntary on-site compliance assessment dates:** N/A

**I. Participation in a voluntary pollution reduction program:** N/A

**J. Early compliance:** N/A

**Sites Outside of Texas:** N/A

# Compliance History Report

**Respondent:** CN600653646, ALTOGA WATER SUPPLY CORPORATION

**Regulated Entity:** RN101436152, ALTOGA WSC

## Component Appendices

### Appendix A

#### All NOVs Issued During Component Period 4/7/2010 and 4/7/2015

1	Date:	08/09/2012	(1015674)	CN600653646	Classification:	Moderate
	Self Report?	NO	For Informational Purposes Only			
	Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(2)				
	Description:	Failure to disinfect groundwater prior to distribution. EIC B18 MOD(2)(G)				
				Classification:	Moderate	
	Self Report?	NO	For Informational Purposes Only			
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(r)				
	Description:	Failure to maintain the system at a minimum pressure of 35 psi at all points within the distribution network at flow rates of at least 1.5 gallons per minute per connection. The water system must maintain a minimum pressure of 20 psi under combined fire and drinking water flow conditions. EIC B19(c5) MOD(2)(G)				
				Classification:	Moderate	
	Self Report?	NO	For Informational Purposes Only			
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A) 30 TAC Chapter 290, SubChapter F 290.110(b)(4) 5A THSC Chapter 341, SubChapter A 341.0315(c)				
	Description:	Failure to maintain a free chlorine residual of at least 0.2 milligrams per liter (mg/L) throughout the distribution system. EIC B19c(6) MOD(2)(G)				
				Classification:	Minor	
	Self Report?	NO	For Informational Purposes Only			
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)				
	Description:	Failure to maintain the chlorine injection pump. EIC C4 MIN(3)(D)				
				Classification:	Minor	
	Self Report?	NO	For Informational Purposes Only			
	Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(2) 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)				
	Description:	Failure to maintain the ground storage tank and seal on hatch. EIC B18 MIN(3)(D)				

\* NOVs applicable for the Compliance History rating period 9/1/2009 to 8/31/2014

### Appendix B

#### All Investigations Conducted During Component Period April 07, 2010 and April 07, 2015

		(981203)	For Informational Purposes Only
Item 1	February 28, 2012**		
		(1099610)	For Informational Purposes Only
Item 2	June 20, 2013**		
		(1124831)	For Informational Purposes Only
Item 3	August 05, 2014**		

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2009 and 08/31/2014.



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
ALTOGA WATER SUPPLY  
CORPORATION  
RN101436152**

**§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2015-0527-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ALTOGA WATER SUPPLY CORPORATION (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. The Respondent owns and operates a public water supply located at 4365 Farm-to-Market Road 75 near Princeton, Collin County, Texas (the "Facility") that has

approximately 246 service connections and serves at least 25 people per day for at least 60 days per year.

2. During an investigation conducted from January 6, 2015 through January 7, 2015, TCEQ staff documented that on January 6, 2015, the water entering the distribution system had free chlorine residuals of 0.05 milligrams per liter ("mg/L") at 4365 Farm-to-Market Road 75 and 0.10 mg/L at 7001 County Road 1218. Additionally, the following free chlorine residuals were measured in the distribution system: 0.13 mg/L at Farm-to-Market Road 1827 at County Road 988, 0.04 mg/L at the flush valve on County Road 463 and 0.03 mg/L at Stiff Point Circle. On January 7, 2015, it was documented that free chlorine residuals within the distribution system were 0.03 mg/L at Farm-to-Market Road 1827 and County Road 988, 0.02 mg/L at the flush valve on County Road 463 and 0.03 mg/L at Stiff Point Circle.
3. During an investigation conducted from January 6, 2015 through January 7, 2015, TCEQ staff documented that the Respondent did not complete Customer Service Inspection ("CSI") certificates for the following active service connections:

(1) 4383 County Road 463	(9) 714 High Point Drive
(2) 787 High Point Drive	(10) 7916 County Road 466
(3) 8004 County Road 466	(11) 4320 County Road 463
(4) 755 High Point Drive	(12) 707 High Point Drive
(5) 8010 County Road 466	(13) 4390 County Road 463
(6) 4337 County Road 463	(14) 750 High Point Drive
(7) 4233 County Road 463	(15) 4255 County Road 463
(8) 4464 County Road 463	
4. The Respondent received notice of the violations on February 28, 2015.
5. The Executive Director recognizes that:
  - a. On January 7, 2015, free chlorine measured in the water entering the distribution system was a minimum of 0.2 mg/L; and
  - b. By May 5, 2015, the Respondent submitted copies of CSI certificates for the following active service connections:

(1) 4383 County Road 463	(9) 714 High Point Drive
(2) 787 High Point Drive	(10) 7916 County Road 466
(3) 8004 County Road 466	(11) 4320 County Road 463
(4) 755 High Point Drive	(12) 707 High Point Drive
(5) 8010 County Road 466	(13) 4390 County Road 463
(6) 4337 County Road 463	(14) 750 High Point Drive
(7) 4233 County Road 463	(15) 4255 County Road 463
(8) 4464 County Road 463	



## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to maintain a minimum disinfectant residual of 0.2 mg/L free chlorine in the water entering the distribution system and throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(2) and (b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to complete a CSI certificate prior to providing continuous service to new construction or any existing service when the water purveyor has reason to believe that cross connections or other potential contamination hazards exist, in violation of 30 TEX. ADMIN. CODE § 290.46(j).
4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of One Thousand Two Hundred Five Dollars (\$1,205) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the One Thousand Two Hundred Five Dollar (\$1,205) administrative penalty.

## III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of One Thousand Two Hundred Five Dollars (\$1,205) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ALTOGA WATER SUPPLY CORPORATION, Docket No. 2015-0527-PWS-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order, begin maintaining a minimum disinfectant residual of 0.2 mg/L free chlorine throughout the distribution system at all times, in accordance with 30 TEX. ADMIN. CODE §§ 290.46 and 290.110;
  - b. Within 15 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision 2.d. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.;
  - c. Within 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that a disinfectant residual concentration of at least 0.2 mg/L free chlorine is maintained in the water entering the distribution system and throughout the distribution system at all times, in accordance with 30 TEX. ADMIN. CODE §§ 290.46 and 290.110. This provision will be satisfied upon six months of compliant weekly monitoring and reporting. Monitoring results shall be submitted to the addresses listed in Ordering Provision No. 2.d; and
  - d. Within 225 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission,

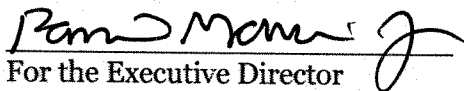
including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

  
For the Executive Director

9/11/15  
Date

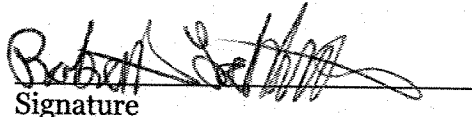
I, the undersigned, have read and understand the attached Agreed Order in the matter of ALTOGA WATER SUPPLY CORPORATION. I am authorized to agree to the attached Agreed Order on behalf of ALTOGA WATER SUPPLY CORPORATION, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, ALTOGA WATER SUPPLY CORPORATION waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- ~~Automatic referral to the Attorney General's Office of any future enforcement actions;~~
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

5/27/2015  
Date

Robert Lockhart  
Name (Printed or typed)  
Authorized Representative of  
ALTOGA WATER SUPPLY CORPORATION

President  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.